

SEVENTEENTH DAY

(Wednesday, February 12, 1969)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Herring submitted the following reports:

Austin, Texas,
February 12, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 32, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
February 12, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 118, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Christie submitted the following reports:

Austin, Texas,
February 12, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 3, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.

Austin, Texas,
February 12, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 4, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.

Austin, Texas,
February 12, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 6, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.

Austin, Texas,
February 12, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 10, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

CHRISTIE, Chairman.

C. S. S. J. R. No. 10 was read the first time.

Senator Jordan submitted the following report:

Austin, Texas,
February 12, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Labor and Management Relations, to which was referred S. B. No. 64, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

JORDAN, Chairman.

C. S. S. B. No. 64 was read the first time.

Senate Bill 145 on First Reading

The following bill was introduced, read first time and referred to the Committee indicated:

By Senator Mauzy:

S. B. No. 145, A bill to be entitled "An Act to be known and cited as the Texas Tort Claims Act, defining certain terms; making liable for tort claims for personal injury all units of government in Texas and setting certain limits; abolishing immunity of the sovereign to suit, and granting permission for such suit; providing for venue in such suits; making this Act cumulative of other legal remedies; applying the laws and statutes of the State of Texas and the Rules of Civil Procedure to actions hereunder; providing for the service of citation; providing for the defense of such suits, permitting the purchase of insurance and declaring the existence thereof inadmissible and not subject to discovery; permitting settlement of claims hereunder and establishing procedure therefor; providing for the collection of judgments; providing that remedies and judgments hereunder are exclusive; providing for liberal construction hereof; determining certain exceptions to this Act; providing for continued individual immunity; requiring claimants to give notice of their claim; providing for payment of claims against the State supported senior colleges and universities by direct appropriation, except where insurance has been acquired; providing that the Act shall not apply to functions of municipalities heretofore held proprietary; making applicable the provisions of the Workmen's

Compensation Act to those units of government acquiring workmen's compensation insurance; repealing all laws or parts of laws in conflict herewith; providing that if any part hereof is unconstitutional or void, the same shall not affect the remaining portions hereof; and providing for an effective date hereof."

To the Committee on County, District and Urban Affairs.

Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senators Strong, Aikin, Wilson and Word:

S. B. No. 157, A bill to be entitled "An Act to amend Subsection (b) of Section 2 of Article V, Senate Bill No. 116, Chapter 334, 51st Legislature, Regular Session, 1949, as last amended by Senate Bill No. 4, Chapter 438, Acts, 59th Legislature, 1965, so as to establish a minimum salary for school bus drivers; providing additional funds required and declaring an emergency."

To the Committee on Education.

By Senators Christie and Herring:

S. B. No. 158, A bill to be entitled "An Act to provide that the Commissioner of the General Land Office, on behalf of the State of Texas or any fund belonging thereto, is authorized to execute agreements that provide for the operation of areas as a unit for the exploration, development and production of sulphur and to commit to such agreements the royalty interests in sulphur reserved to or provided for the State or any fund thereof by law, in or in connection with any patent, award or mining claim, in any contract of sale, or under the terms of any lease lawfully made by an official, board, agent, agency or authority of the State; providing for the approval of such agreements by the School Land Board if the agreements commit royalty interests in lands set apart by the Constitution and laws of this State for the Permanent Free School Fund and the several asylum funds, in river beds, inland lakes, and channels, and the area within tidewater limits, including islands, lakes, bays,

inlets, marshes, reefs, and the bed of the sea; providing for execution of such agreements by the owners of the soil if they cover lands leased for sulphur under Article 5421c-10, Vernon's Texas Civil Statutes, Acts 1967, 60th Leg., p. 35, ch. 16; providing for approval of such agreements that commit such royalty interests in other lands by the board, official, agent, agency, or authority vested with authority to lease or approve the leasing of said lands for sulphur; providing the conditions under which the Commissioner may execute such agreements; prescribing certain provisions which may be included in such agreements; providing that this Act shall be cumulative and repealing all prior laws to the extent that they may be in conflict herewith; providing that such agreements and operations thereunder shall not be construed in violation of the anti-trust laws but that if any court should find a conflict between this Act and the anti-trust laws, then this Act is intended as a reasonable exception thereto; providing, further, that if any court should find that such a conflict with the anti-trust laws exists and that this Act is not a reasonable exception thereto, then this Act or any conflicting portion hereof shall be declared invalid rather than declaring the anti-trust laws or any portion thereof invalid; providing a savings and severability clause; and declaring an emergency."

To the Committee on Oil and Gas.

By Senator Watson:

S. B. No. 159, A bill to be entitled "An Act relating to inscriptions to be printed on State-owned motor vehicles; amending Article 821, Vernon's Annotated Penal Code of the State of Texas; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senators Cole, Schwartz, Jordan and Brooks:

S. B. No. 160, A bill to be entitled "An Act requiring the attendance of medical examiners or their duly authorized deputies at organ transplant operations; prescribing duties of medical examiners and their duly authorized deputies; adding a new Section 6a to Article 49.25, Texas Code of

Criminal Procedure, 1965, as amended; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Cole, Schwartz, Jordan and Brooks:

S. B. No. 161, A bill to be entitled "An Act relating to the establishment of a presumption of time of death in certain cases; amending the Code of Criminal Procedure of Texas, 1965, as amended by adding a new article; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Cole, Schwartz and Jordan:

S. B. No. 162, A bill to be entitled "An Act relating to the gift of all or part of a human body after death for certain purposes; repealing Chapter 63, Acts of the 56th Legislature, as amended (Article 4590-1, Vernon's Texas Civil Statutes; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Ratliff:

S. B. No. 163, A bill to be entitled "An Act relating to the transfer of a child to a school district in an adjoining county; amending Article 2697, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

To the Committee on Education.

By Senator Hall:

S. B. No. 164, A bill to be entitled "An Act creating the Texas Board of Private Detectives, Private Investigators, Private Patrolmen, Private Guards, and Managers under certain circumstances; providing for licensing and regulation of private investigators, private patrolmen, private guard watchmen, and managers under certain circumstances; requiring a surety bond to be filed for a license; setting the requirements and fees for licenses; providing for denial, revocation, or suspension of licenses; providing penalties for violation of the Act; amending Article 484 of the Texas Penal Code to allow licensees to carry sidearms; providing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hall:

S. B. No. 165, A bill to be entitled "An Act to amend Article 2669, Re-

vised Civil Statutes of 1925, as last amended in Chapter 389, Acts 57th Legislature, Regular Session, 1961, and in Chapter 707, Acts, 60th Legislature, Regular Session, 1967, providing for flexibility in the investment of the Permanent School Fund to produce increased yield therefrom and for measures to prevent erosion of its principal through inflation; and declaring an emergency."

To the Committee on Education.

By Senator Hall:

S. B. No. 166, A bill to be entitled "An Act amending Senate Bill 22, Chapter 372, Section 6, Acts of the 57th Legislature, Regular Session, 1961, compiled as Article 3222b, Section 6, V.T.C.S., relating to the operating cost formula and improvement of the education program in county-wide and bi-countywide schools for the deaf; providing for an effective date of this Act; and declaring an emergency."

To the Committee on Education.

By Senator Hall:

S. B. No. 167, A bill to be entitled "An Act authorizing the commissioners court of each county within the State to expend county funds for membership fees and dues to a non-profit state association or organization of counties; and declaring an emergency."

To the Committee on County, District and Urban Affairs.

By Senator Brooks:

S. B. No. 168, A bill to be entitled "An Act validating the organization, boundaries and bonds of Harris County Water Control and Improvement District No. 56 voted at an election held therein on March 27, 1956, and validating all governmental proceedings of its Board of Directors, and including but not limited to the election held in said District on May 28, 1968; containing other provisions relating to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Harrington:

S. B. No. 169, A bill to be entitled "An Act concerning the practice of barbering in this State; amending sections 3, 7, 8, 14, 20, 21 and 23, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended

(Article 734a; Vernon's Texas Penal Code); amending Section 20a, Chapter 276, Acts of the 52nd Legislature, 1951 (Article 734a, Vernon's Texas Penal Code); repealing Sections 13 and 15, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Sections 13 and 15, Article 734a, Vernon's Texas Penal Code); relating to the operation and management of a barber shop, providing for licensing of barber shops, setting fees for permits and renewal permits, providing for an expiration date for permits; providing for the qualifications of applicants for licensing as barbers and assistant barbers; making certain provisions for licensing barbers' technicians; providing for the biennial renewal of barber certificates, restoration of expired certificates, setting fees for renewal of certificates; providing for renewal of certificates while in Armed Forces, setting fees for renewal; defining unethical barbering procedures; providing for examination fees by barber, assistant barber and barber's technician applicants; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Harrington:

S. B. No. 170, A bill to be entitled "An Act protecting alligators in this state; providing a penalty for violation; repealing Chapter 94, Acts of the 52nd Legislature, 1951; Chapter 206, Acts of the 56th Legislature, Regular Session, 1959; Chapter 144, Acts of the 57th Legislature, Regular Session, 1961, as amended; Chapter 68, Acts of the 57th Legislature, 3rd Called Session, 1962; Chapter 401, Acts of the 58th Legislature, 1963, as amended; and Section 15, Chapter 252, Acts of the 58th Legislature, 1963; and declaring an emergency."

To the Committee on Parks and Wildlife.

By Senator Harrington:

S. B. No. 171, A bill to be entitled "An Act prohibiting the issuance of permits to take marl, gravel, shells or mudshell from and around exposed shell reefs;; amending Article 4053, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To the Committee on Parks and Wildlife.

By Senator Moore:

S. B. No. 172, A bill to be entitled

"An Act validating all school districts, including all types of junior and regional college districts, together with the boundaries and names thereof; validating the creation, abolition, and conversion of all such school districts, and all changes in boundaries in all such school districts; validating the election of certain members to boards of trustees; validating the annexation of territory and the divorcement or separation from municipal control in all municipally controlled school districts; validating all bonds, bond taxes, maintenance taxes, and bond assumptions and the elections authorizing same, of and in all school districts including all types of junior and regional college districts; providing this Act shall not be construed as validating any boundary change made or attempted to be made by any ex parte order, resolution, or other act of the board of trustees of any school district; providing that this Act shall have no application to litigation now pending questioning the validity of matters hereby validated, or to proceedings now pending before the County Boards of Trustees, State Commissioner of Education, or the State Board of Education, or to any district which has heretofore been declared invalid by certain courts, or to districts which may have been established and later returned to original status, providing such litigation or proceedings are ultimately determined against the validity of matters hereby validated; providing a saving clause; and declaring an emergency."

To the Committee on Education.

By Senator Moore:

S. B. No. 173, A bill to be entitled "An Act investing the Board of Directors of Texas A&M University with the sole and exclusive management and control of lands and mineral interests under its jurisdiction and that may be acquired by it; authorizing said Board of Directors to convey lands to other units and agencies of government; where not otherwise authorized by existing law so to do, to sell said lands or lease the surface thereof under such terms and conditions as it may deem best in the public interest; providing for retention and disposition of the proceeds; authorizing said Board of Directors to purchase and lease land for the use of any Part of The Texas A&M University System when, in its judgment, such land should be acquired for the

educational and service needs of any Part of The Texas A&M University System when funds are available for such purpose; making this Act cumulative; and declaring an emergency."

To the Committee on State Affairs.

By Senator Bridges:

S. B. No. 174, A bill to be entitled "An Act relating to expenses to be paid to members of the State Board of Registration for Public Surveyors; amending Section 5, Chapter 328, Acts of the 54th Legislature, Regular Session, 1955, as amended; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Bridges:

S. B. No. 175, A bill to be entitled "An Act creating and establishing in Corpus Christi, Nueces County, Texas, a fully State supported, coeducational institution of higher learning, to be known as Corpus Christi State University; establishing a Board of Regents and providing for its appointment, tenure and authority; prescribing the powers of the Board of Regents; providing for the collection of fees and the acceptance of gifts and donations; providing that General Laws affecting other State institutions of higher learning, not in conflict with this act, shall apply to and govern Corpus Christi State University; authorizing contracts for courses in military training; providing that the several sections of this act shall be severable; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Harrington:

S. J. R. No. 14, Proposing an amendment to Article XVI, Constitution of Texas, to add a new Section 67 creating the Special Game and Fish Fund and limiting the purposes for which it may be used.

To the Committee on Constitutional Amendments.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 14, Congratulating

Miss Patti Yezak on winning the title of Outstanding Catholic Youth of the United States for 1968.

Presentation of Mrs. Martha Barnes

Senator Aikin, by unanimous consent, presented Mrs. Martha Barnes, the wife of Lieutenant Governor Ben Barnes, to the Members of the Senate and welcomed her to the Senate.

Mrs. Barnes was given a standing ovation by the Members of the Senate.

Senate Resolution 114

Senator Hazlewood offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas:

Section 1. Rule 78 is amended to hereafter read as follows:

"78. There shall be no executive or closed sessions held by the Senate or any Senate Committee in which any official action is taken on any subject, nominations or otherwise, unless such executive or closed session is ordered by a majority vote of the membership of the committee, or, of the Senate."

Section 2. Rules 79, 81, 82, 83, and 84 are hereby expressly repealed as well as any and all other rules in conflict with Rule 78 as herein provided above.

Section 3. Rule 87 is amended to read as follows:

"JOURNAL OF THE SENATE

"87. The proceedings of the Senate, when not in Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; the titles of the bill and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal; every report of a committee and vote of the Senate; and a brief statement of the contents of each memorial, petition, or paper presented to the Senate, shall also be inserted in the Journal. Resolutions of a congratulatory nature, and resolutions recognizing visitors to the Senate shall not be numbered or printed in the Journal, but the names of the sponsor and the persons concerned

and the recognition accorded may be listed for each day at the end of the day's proceedings. Originals of congratulatory recognition and memorial resolutions shall be limited to five (5) in number."

Section 4. Rule 89 is amended to read as follows:

"Report to Governor of final result of action on nominations.

"89. The proceedings of the Senate, when acting upon nominations made by the Governor, shall be placed upon the Journal of the Senate, and the Secretary shall report the same to the Governor."

The resolution was read and was referred to the Committee on Rules.

Senate Resolution 121

Senator Blanchard offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, two beautiful and outstanding ladies—Miss Johnnie Kay Johnson of Fort Worth, "Miss Wool and Mohair of Texas"; and Mrs. Kim Dawson, Fashion Director of the Dallas Apparel Mart, which is the second largest market in the world; and

Whereas, It is the desire of the Senate to extend a warm welcome to these fine ladies; now, therefore, be it

Resolved by the Senate of Texas, That the presence of Miss Johnson and Mrs. Dawson be recognized and that they be extended a warm welcome to the Senate.

BLANCHARD
CREIGHTON
HARRIS
MAUZY
PATMAN

The resolution was read and was adopted.

Senator Blanchard, by unanimous consent, presented the guests to the Members of the Senate.

Senate Bill 90 on Second Reading

Senator Connally moved that Senate Rules 110 and 36 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 90 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 90, A bill to be entitled "An Act relating to the authority of the Texas Animal Health Commission to prescribe tick dipping materials and regulations for the use thereof; amending Section B, Chapter 53, Acts of the 41st Legislature, Regular Session, 1929 (Article 1525c, Vernon's Texas Penal Code); and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 90 on Third Reading

Senator Connally moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 90 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Harrington
Bates	Harris
Bernal	Hazlewood
Berry	Herring
Blanchard	Hightower
Bridges	Jordan
Brooks	Kennard
Christie	Mauzy
Cole	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz

Snelson
Strong
Watson

Wilson
Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

Senate Bill 128 on Second Reading

Senator Hightower moved that Senate Rules 110, 13, and 36 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 128 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 128, A bill to be entitled "An Act relating to the appointment of an executive director of the In-

dustrial Commission; amending Article 5185, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 128 on Third Reading

Senator Hightower moved that Senate Rule 30 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 128 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

Message From the House

Hall of the House of Representatives

Austin, Texas,

February 12, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 55, An Act to amend Article I, Section 5, Benefits, Subsection B, Allowance for Service Retirement, Paragraph 1; Subsection C, Disability Retirement Benefits for Appointive Officers or Employees, Paragraphs 2, 3, and 6; Subsection E, Return of Accumulated Contributions, Paragraphs 2, 3, 5, and 6 (With Amendments.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Executive Session

On motion of Senator Word and by unanimous consent the Senate agreed to hold an Executive Session at 11:30 o'clock a.m. today (he having given Notice on yesterday).

Accordingly, The President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations:

To be a Member of the Board of Pardons and Paroles: For a term of six years beginning on February 1, 1969: Pat Bullock, Austin, Texas.

To be a Member of the Board of Regents of Lamar State College of Technology: For a six-year term to expire October 5, 1973: Bryan D. Beck, Jr., Beaumont, Jefferson County.

To be a Member of the Texas Tourist Development Agency: To fill the unexpired term of Garner Mabry, resigned, term to expire August 23, 1969: Don Russell, San Marcos, Hays County.

To be a Member of the Board of Regents of Lamar State College of Technology: To fill the unexpired term of Robert Mann, resigned, term to expire October 5, 1969: H. J. Shands, Jr., Lufkin, Angelina County.

To be a Member of the Texas Tourist Development Agency: For a term to expire August 23, 1973: George Dillman, Dallas, Dallas County.

To be a Member of the Board of Regents of Lamar State College of Technology: For a six-year term to expire October 5, 1973: Otho Plummer, Beaumont, Jefferson County.

To be a Member of the Texas Tourist Development Agency: To fill the unexpired term of Chris Fox, resigned, term to expire August 23, 1971: Edwin Hunter, Houston, Harris County.

To be a Member of the Board of Regents of Lamar State College of Technology: For a six-year term to expire October 5, 1973: Pat T. Peyton, Jr., Beaumont, Jefferson County.

To be a Member of the Texas Tourist Development Agency: To fill the unexpired term of Gene Cagle, deceased, term to expire August 23, 1969: G. E. Lehmann, Kerrville, Kerr County.

To be a Member of the State Seed and Plant Board: For a two-year term to expire October 6, 1970: Grady C. Clark, Corpus Christi, Nueces County.

To be State Auditor: For a term expiring February 15, 1971: George W. McNiel, Austin, Travis County.

To be a Member of the State Seed and Plant Board: For a two-year term to expire October 6, 1970: Heino Staffel, Jr., Austin, Travis County.

To be a Member of the Texas College and University System Coordinating Board: For a term to expire August 31, 1973: Wales Madden, Jr., Amarillo, Potter County.

To be a Member of the Texas College and University System Coordinating Board: To fill the unexpired term of J. C. Looney, resigned, term to expire August 31, 1971: Will D. Davis, Austin, Travis County.

To be a Member of the Texas College and University System Coordin-

ating Board: For a term to expire August 31, 1973: Hunter McLean, Fort Worth, Tarrant County.

To be a Member of the Texas College and University System Coordinating Board: For a term to expire August 31, 1973: Walter Bassano, Paris, Lamar County.

To be a Member of the Texas College and University System Coordinating Board: For a term to expire August 31, 1973: O. H. Elliott, Austin, Travis County.

To be a Member of the Texas College and University System Coordinating Board: For a term to expire August 31, 1973: Fred Moore, Austin, Travis County.

To be District Judge of the 167th Judicial District: To fill the unexpired term of Tom Reavley, resigned: Thomas D. Blackwell, Austin, Travis County.

To be District Judge of the 64th Judicial District: To fill the unexpired term of James Joy, resigned: John Thomas Boyd, Plainview, Hale County.

To be District Judge of the 57th Judicial District: To fill the unexpired term of Solomon Casseb, Jr., resigned: Franklin S. Spears, San Antonio, Bexar County.

To be District Judge of the 6th Judicial District: To fill the unexpired term of A. M. Harrison, deceased: Henry G. Braswell, Paris, Lamar County.

To be a Member of the Board of Directors of A. & M. University: For a six-year term to expire January 10, 1975: Dr. A. P. Beutel, Lake Jackson, Brazoria.

To be a Member of the Board of Directors of A. & M. University: For a six-year term to expire January 10, 1975: Ford Albritton, Jr., Bryan, Brazos.

To be a Member of the Board of Directors of A. & M. University: For a six-year term to expire January 10, 1975: L. F. Peterson, Fort Worth, Tarrant.

To be a Member of the Board of Regents of the University of Texas: For a six-year term to expire January

10, 1975: Dan Williams, Dallas, Dallas County.

To be a Member of the Texas Employment Commission: For a term to expire November 21, 1974: J. E. Lyles, Austin, Travis County.

To be a Member of the Texas Employment Commission: For a term to expire November 21, 1970: Mrs. Nancy Sayers, Austin, Travis County.

To be a Member of the Board of Regents of The University of Texas: For a six-year term to expire January 10, 1975: Jenkins Garrett, Fort Worth, Tarrant County.

To be a Member of the Board of Regents of The University of Texas: For a six-year term to expire January 10, 1975: Frank C. Erwin, Jr., Austin, Travis County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 12:15 o'clock p.m.

(Senator Hazlewood in the Chair.)

Senate Bill 55 with House Amendments

Senator Herring called S. B. No. 55 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend Senate Bill No. 55 by striking out all below the enacting clause and substituting the following:

Section 1. Paragraph 1, Subsection B, Section 5, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"1. The allowance for service retirement shall be computed on the basis of the average monthly compensation of the member for the sixty (60) highest consecutive months of compensation during the last one hundred and twenty (120) months of creditable service. The rate of benefits shall be based upon the following schedule:

First ten (10)

years of service 1.25% per year
Next twenty (20)

years of service 1.50% per year
All subsequent years 1.75% per year

"It is provided, however, that if the service retirement annuity calculated on the basis of the Rate of Benefits set forth herein is less than Fifty Dollars (\$50.00) per month, then the benefits shall be increased to equal the sum of Fifty Dollars (\$50.00) per month.

"It is expressly provided that any annuity or allowance payable under the provisions of this Act shall begin with the last day of the month following the effective date of retirement and shall be paid in monthly installments and shall cease with the last day of the month preceding the month in which the beneficiary or person dies who is receiving such an annuity or allowance as provided in this Act.

"It is further provided that the rate of benefits scheduled as provided for by this Act shall be applied to all service retirement annuities payable on the effective date of this Act and previously awarded under the laws governing the Employees Retirement System as effective September 1, 1963."

Sec. 2. Paragraphs 2, 3, and 6, Subsection C, Section 5, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), are amended to read as follows:

"2. Allowance on Disability Retirement—Non-occupational, for Appointive Officers or Employees.

"Upon retirement for disability (non-occupational) a member shall receive a service retirement allowance if he has attained the age of sixty (60) years, otherwise, he shall receive a disability retirement allowance computed at one and one-half (1½%) per cent per year of service, multiplied by the average monthly compensation for the sixty (60) highest consecutive months during his last preceding one hundred and twenty (120) months of creditable service, provided, however, that in no event will his disability retirement allowance be less than thirty (30%) per cent of his average compensation so computed, nor his maximum benefit exceed sixty (60%) per cent of his average compensation so computed.

"It is provided, however, that if the disability retirement annuity cal-

culated on the basis of the Rate of Benefits set forth herein is less than Seventy-Five Dollars (\$75.00) per month, then the benefits shall be increased to equal the sum of Seventy-Five Dollars (\$75.00) per month.

"It is further provided, however, that any member who retired on disability prior to September 1, 1958 will receive an increase of fifteen (15%) per cent or if less than Seventy-Five Dollars (\$75.00) per month then the benefits shall be increased to equal the sum of Seventy-Five Dollars (\$75.00) per month.

"It is expressly provided that all non-occupational disability retirements previously awarded and in effect at the time this Act becomes effective, shall be reviewed, and the benefits of this Act shall be applied to each retirement; provided, however, that no person shall receive an annuity less than that being paid at the effective date of this Act.

"3. Allowance on Occupational Disability Retirement for Appointive Officers or Employees.

"Upon retirement for occupational disability a member shall receive a disability retirement allowance computed at one and one-half (1½%) per cent per year of creditable service multiplied by the monthly rate of compensation being paid to the member at the time of the disabling injury or disease; provided, however, that in no event shall the disability retirement allowance be less than thirty (30%) per cent nor more than sixty (60%) per cent of the monthly rate of compensation.

"It is provided, however, that if the occupational disability retirement annuity calculated on the basis of the Rate of Benefits set forth herein is less than Seventy-Five Dollars (\$75.00) per month then the benefits shall be increased to equal the sum of Seventy-Five Dollars (\$75.00) per month.

"It is expressly provided that all occupational disability retirements previously awarded and in effect at the time this Act becomes effective, shall be reviewed, and the benefits of this Act shall be applied to each retirement; provided, however, that no person shall receive an annuity less than that being paid at the effective date of this Act.

"6. Should a disability beneficiary under the age of sixty (60) years be restored to active service, his retirement allowance shall cease, he shall again become a member of the Re-

tirement System, and the balance of his retirement reserve shall be transferred to the Employees Saving Fund and to the State Accumulation Fund, respectively, in proportion to the original sum transferred to the Retirement Annuity Reserve Fund at retirement. Upon restoration to membership, any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition, upon his subsequent retirement he shall be credited with all his membership service. Should a disability beneficiary die or be removed from the disability list for any cause other than restoration to active service, an amount equal to the amount by which such beneficiary's accumulated contributions at the time of disability retirement exceed the annuity payments received by such beneficiary under his disability allowance, if any such excess exists, shall be paid from the Retirement Annuity Reserve Fund to such beneficiary if living; otherwise, such amount shall be paid as provided by the laws of descent and distribution of Texas unless the beneficiary has directed such amount to be paid otherwise. If the member is granted a non-occupational disability allowance while employed by the State or on Compensation Insurance or temporary sick leave and dies while receiving this non-occupational disability allowance and is survived by a spouse at the date of his death, and if there is no surviving spouse then only to the guardian of the dependent minor children, will be granted a death benefit as set forth under Section 5, Subsection E, Paragraph 2, a, b, c, or d, whichever is applicable. Such benefit granted would be paid from the State Accumulation Fund.

"It is provided, however, that if the disability beneficiary has been retired for occupational disability and should such beneficiary die while receiving such occupational disability benefits, an amount equal to the amount by which such beneficiary's accumulated contributions at the time of occupational disability retirement exceeds the annuity payments received by such beneficiary under his occupational disability allowance, if any such exists, shall be paid as provided by the laws of descent and distribution of Texas, unless the beneficiary has directed such amount to be paid otherwise, and provided further, that this refund as set forth

herein shall be made only if the cause of the death of the beneficiary is from or connected with the occupational injury or disability resulting in the occupational disability retirement; otherwise, the provisions above set forth in this paragraph shall apply.

"It is further provided that if the beneficiary dies while receiving an occupational disability allowance and he is survived by a spouse and if there is no surviving spouse then only to the guardian of the dependent minor children, then an additional death benefit will be paid an amount equal to the full annual salary before the deceased appointive officer or employee at the rate of pay he was receiving at the date he was granted occupational disability. This additional benefit payment would be paid from the State Accumulation Fund. The Board of Trustees shall determine if the death is an occupational death and its decision shall be final."

Sec. 3. Paragraphs 2, 3, 5, and 6, Subsection E, Section 5, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), are amended to read as follows:

"2. Should a member die before retirement the amount of his accumulated contributions standing to the credit of his individual account shall be paid as provided by the laws of descent and distribution of Texas unless he has directed the account to be paid otherwise.

"If such a member dies before retirement, an additional death benefit will be paid only to the surviving spouse and if there is no surviving spouse, then only to the guardian of the dependent minor children. It is expressly provided that such additional death benefit herein will be paid only if the member dies and is actively employed by the State or on compensation insurance or on temporary sick leave on the date of his death and, if the member is not employed by the State at the date of his death, then the additional death benefit will be void and only the refund of the contributions will be paid. Such payments of the additional death benefit will be made from the State Accumulation Fund as follows:

"(a.) At the date of the death of the member, an amount equal to twenty-five (25%) per cent of his

total accumulated contributions will be paid to the surviving spouse, and if there is no surviving spouse, then only to the guardian of the dependent minor children, if such member before his death had been credited with five (5) years of service and less than ten (10) years.

"(b.) At the date of the death of the member, an amount equal to fifty (50%) per cent of his total accumulated contributions will be paid to the surviving spouse and if there is no surviving spouse, then only to the guardian of the dependent minor children, if such member before his death had been credited with ten (10) years of service and less than fifteen (15) years.

"(c.) At the date of the death of the member, an amount equal to seventy-five (75%) per cent of his total accumulated contributions will be paid to the surviving spouse and if there is no surviving spouse, then only to the guardian of the dependent minor children, if such member before his death had been credited with fifteen (15) years of service and less than twenty (20) years.

"(d.) At the date of the death of the member who had not chosen an optional death benefit plan as provided in Subsection E, Paragraph 6, an amount equal to one hundred (100%) per cent of his total accumulated contributions will be paid to the surviving spouse if such member before his death had been credited with twenty (20) years of service or more. It is provided, however, in lieu of this benefit the surviving spouse may choose the option plan in the same manner as if the member had completed the selection and, further provided, that only the spouse may make such a selection and if there is no surviving spouse, then only by the guardian of the dependent surviving minor children and if no dependent minor children, then the provisions of the preceding Subsection E, Paragraph 2, pertaining to death benefits shall apply upon death of the member.

"3. Provided, however, in the event that the death of the appointive officer or employee member is an occupational death, there shall be refunded, in addition to any other benefit or payment authorized by this Act, an amount equal to the full annual salary of the deceased appointive officer or employee member

based upon his rate of pay at the time of death, but such additional refund shall be paid only to the surviving spouse, and if no surviving spouse, then payment shall be made to the guardian of the dependent minor children, if any, and provided that such additional death benefit shall be paid from the State Accumulation Fund. The Board of Trustees shall determine if the death is an occupational death, and its decision shall be final.

"5. It is provided that any member who has completed thirty (30) years of creditable State service in Texas, may by written designation in such form as the Board of Trustees may prescribe, select a nominee and an optional allowance for retirement as set forth under the preceding Section 5, Subsection B, Paragraph 3, providing for optional allowances for service retirement, and which selection shall become effective and payable to such nominee beginning with the month following the month in which the member died, provided, however, if such a member having completed thirty (30) years of State service in Texas failed to make a selection in the event of his death then a surviving spouse may choose the option plan in the same manner as if the member had completed the selection and, further provided, that only the spouse may make such a selection and if there is no surviving spouse, then only by the guardian of the dependent minor children and if no dependent minor children, then the provisions of the preceding Subsection E, Paragraph 2, pertaining to death benefits shall apply upon death of the member.

"6. It is provided that any member who has completed twenty (20) years of creditable State service in Texas, but less than thirty (30) years of creditable State service in Texas, may by written designation in such form as the Board of Trustees may prescribe, select a nominee and an optional allowance for retirement as set forth under the preceding Subsection B, Paragraph 3, providing for optional allowances for service retirement, and which shall become effective and payable to such nominee beginning with the month following the month in which the member died, provided, however, that it is required that said member shall be actively employed or on temporary sick leave

or on workman's compensation at the time of his death. If such member having completed twenty (20) years of State service in Texas failed to make a selection in the event of his death, then a surviving spouse may choose the option plan in the same manner as if the member had completed the selection and, further provided, that only the spouse may make such a selection and if there is no surviving spouse, then only by the guardian of the surviving minor children and if no dependent minor children, then the provisions of the preceding Subsection E, Paragraph 2 pertaining to death benefits shall apply upon death of the member."

Sec. 4. Paragraph 3, Subsection A, Section 6, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"3. The Trustees who are currently contributing members of the Employees Retirement System shall serve without compensation, but they shall be reimbursed from the Expense Fund for all necessary expenses that they may incur through service on the Board. Trustees who are not currently contributing members of the Employees Retirement System may receive compensation and all necessary expenses that they may incur through service on the Board as approved by the Board of Trustees."

Sec. 5. Subsection B, Section 7, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"B. The State Board of Trustees, annually, on August 31st, shall transfer from the Interest Fund to the Expense Fund an amount as shall be determined by the Board to be necessary for the payments of expenses of the Retirement System in excess of the amount available to be paid from the Expense Fund to cover the expenses as estimated for the succeeding year. The Board, annually, on August 31st, shall transfer to the Retirement Annuity Reserve Fund from the Interest Fund an amount equal to four (4%) per cent interest on the mean amount in the Retirement Annuity Reserve Fund for the year then ending. The Board, annu-

ally, on August 31st, shall transfer interest to the Employees Saving Fund at a rate not to exceed two and one-half (2½%) per cent per annum on the amount in the Employees Saving Fund equal to the sum of the accumulated contributions standing to the credit at the beginning of each year of all members included in the membership of the System on August 31st of each year, and further, that such transfer of interest to said Fund shall be made before funds are transferred for Service Retirements effective August 31st of each year. The Board, annually, on August 31st, after making transfer from the Interest Fund, as above provided, shall transfer all remaining interest in the Interest Fund to the State Accumulation Fund."

Sec. 6. Section 12, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 12. Amount of Benefits; Creditable Service

"A. It is further provided that all service retirement annuities calculated under the laws governing the Employees Retirement System as of August 31, 1958, and payable at the effective date of this Act, as well as all such annuities awarded subsequent to the effective date of this Act, shall be increased on the month after the effective date of this Act, by an additional ten (10%) per cent; provided that nothing herein shall be construed as an increase in the minimum service retirement annuity where the original annuity calculated at less than the minimum allowance, unless such original annuity, after the application of the ten (10%) per cent increase, as provided herein, exceeds the minimum service retirement allowance provided by law; and further, provided that no member who is entitled to a service retirement shall receive as a service retirement benefit an amount which would be less than he would have been entitled to receive at the date of his retirement in an equivalent benefit calculated under the laws governing the Employees Retirement System of Texas as effective August 31, 1958 and subsequent increases effective September 1, 1963 and thereafter shall receive an amount as a service retirement benefit as provided herein.

"B. Nothing in this Act shall be

construed as reducing the annuities or benefit allowances heretofore approved for or awarded to any person prior to September 1, 1958, in accordance with the laws relating to the Employees Retirement System in effect August 31, 1958, provided that if the Service Retirement Benefit of any such retired beneficiary is less than the minimum prescribed under Section 5, Subsection B, Paragraph 1, as applicable then such benefits shall be increased to the minimum prescribed for equivalent service as if said minimum retirement benefit was applicable on the effective date of the retirement.

"C. It is further expressly provided herein that creditable service of all members of the Employees Retirement System of Texas as accumulated by each member and granted by this System as of August 31, 1958, shall not be reduced but shall be granted and shall be effective September 1, 1958 and thereafter.

"D. It is expressly provided herein that no increase in benefits applicable to appointive officers and employees or retired members shall be effective on the date of passage of this Act, but shall become effective in the month following the effective date of this Act."

Sec. 7. If any Section or part of any Section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated. All provisions of the law inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Sec. 8. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend Senate Bill No. 55 by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED AN ACT

amending Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil

Statutes), relating to the State Employees Retirement System, as follows: amending Paragraph 1, Subsection B, Section 5, relating to allowance for service retirement; amending Paragraphs 2, 3, and 6, Subsection C, Section 5, relating to disability retirement benefits for appointive officers or employees; amending Paragraphs 2, 3, 5, and 6, Subsection E, Section 5, relating to return of accumulated contributions, payment of additional benefits, and nominees and optional allowances; amending Paragraph 3, Subsection A, Section 6, relating to compensation and reimbursement of members of the board of trustees; amending Subsection B, Section 7, relating to management and transfer of funds; and amending Section 12, relating to the amount of benefits and creditable service; and declaring an emergency.

The amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

(President in the Chair.)

Presentation of Guest

The President recognized Senator Kennard and requested him to escort his distinguished guest to the President's Rostrum.

The President Pro Tempore presented Mrs. Nancy Sayers, the new Chairman of the Texas Employment Commission, who had today been confirmed by the Senate. The President Pro Tempore then presented Mrs. Sayers an enrolled copy of House Concurrent Resolution No. 1 which

was a memorial to her husband, the late Scott P. Sayers.

Mrs. Sayers addressed the Senate thanking the Members and expressing appreciation for the "affection you have shown to me and my family."

Memorial Resolutions

S. R. No. 116—By Senator Watson: Memorial resolution for Mrs. Rhett B. Sargent.

S. R. No. 119—By Senator Ratliff: Memorial resolution for Dr. Robert E. Nail (amended).

S. R. No. 120—By Senator Mauzy: Memorial resolution for Mary Elizabeth Ferguson.

Welcome and Congratulatory Resolutions

S. R. No. 115—By Senator Watson: Extending congratulations to Charles W. Ferguson for his interest in the history and tradition of the State of Texas and the Southwest.

S. R. No. 117—By Senator Watson: Extending welcome to Mrs. Bill Williams, et al., of Waco.

S. R. No. 118—By Senator Watson: Extending welcome to Harry Provence of Waco.

Adjournment

On motion of Senator Aikin the Senate at 12:20 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

February 12, 1969

S. C. R. No. 14

EIGHTEENTH DAY

(Thursday, February 13, 1969)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Bernal
Bates	Berry